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HOUSE BILL 248

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Daniel P. Silva

AN ACT

RELATING TO TRANSPORTATION; AUTHORIZING REGIONAL TRANSIT
DISTRICTS TO CONSTRUCT AND OPERATE TOLL ROADS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 73-25-3 NMSA 1978 (being Laws 2003,
Chapter 65, Section 3) is amended to read:

"73-25-3. DEFINITIONS.--As used in the Regional Transit
District Act:

A. "board" means the board of directors of a
district;

B. "bond" means a revenue bond;

C. "combination" means two or more governmental
units that exercise joint authority;

D. "commission" means the state transportation
commission;

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1 E. "construct" or "construction" means the
2 planning, designing, engineering, acquisition, installation,
3 construction or reconstruction of a regional transit system;

4 F. "district" means a regional transit district
5 that is a political subdivision of the state created pursuant
6 to the Regional Transit District Act;

7 G. "governmental unit" means the state, a county or
8 a municipality of the state or an Indian nation, tribe or
9 pueblo located within the boundaries of the state;

10 H. "regional transit system" means:

11 (1) a property, improvement or system designed
12 to be compatible with established state and local
13 transportation plans that transports or conveys passengers
14 within a region by means of a high-occupancy vehicle, including
15 an automobile, truck, bus, van or railcar; ~~and~~ or

16 (2) a toll road;

17 I. "revenues" means tolls, fees, rates, charges,
18 assessments, grants, contributions or other income and revenues
19 received by the district; and

20 J. "toll road" means a road or highway that is
21 financed in whole or in part through issuance of bonds payable
22 from toll revenue collected from users and includes bridges,
23 tunnels, overpasses, underpasses, interchanges, entrance
24 plazas, approaches, toll houses and other improvements
25 necessary for the operation of the toll road, together with all

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1 property, rights, easements and interests that may be acquired
2 by the district for the construction or the operation of such
3 toll road."

4 Section 2. Section 73-25-6 NMSA 1978 (being Laws 2003,
5 Chapter 65, Section 6) is amended to read:

6 "73-25-6. POWERS OF THE DISTRICT.--

7 A. A district is a body politic and corporate. In
8 addition to other powers granted to the district pursuant to
9 the Regional Transit District Act, the district may:

- 10 (1) have perpetual existence, except as
- 11 otherwise provided in the contract;
- 12 (2) sue and be sued;
- 13 (3) enter into contracts and agreements
- 14 affecting the affairs of the district;
- 15 (4) establish, collect and increase or
- 16 decrease fees, tolls, rates or charges for the use of property
- 17 of a regional transit system financed, constructed, operated or
- 18 maintained by the district; except that fees, tolls, rates or
- 19 charges imposed for the use of a regional transit system shall
- 20 be fixed and adjusted to pay for bonds issued by the district;
- 21 (5) pledge all or a portion of the revenues to
- 22 the payment of bonds of the district;
- 23 (6) finance, construct, operate or maintain
- 24 regional transit systems within the boundaries of the district;
- 25 (7) purchase, trade, exchange, acquire, buy,

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1 sell, lease, lease with an option to purchase, dispose of and
2 encumber real or personal property and interest therein,
3 including easements and rights of way;

4 (8) accept real or personal property for the
5 use of the district and accept gifts and conveyances upon the
6 terms and conditions as the board may approve;

7 (9) use the streets, highways and other public
8 ways and, with permission of the owner, to relocate or alter
9 the construction of streets, highways, other public ways,
10 electric and telephone lines and properties, pipelines,
11 conduits and other properties, whether publicly or privately
12 owned, if deemed necessary by the district in the construction,
13 reconstruction, repair, maintenance and operation of the
14 system. Any damage that may occur to the property shall be
15 borne by the district; [~~and~~]

16 (10) provide transportation services outside
17 the boundaries of the district;

18 (11) formulate plans for the development of
19 toll roads, conduct engineering surveys and perform any other
20 acts necessary in determining the feasibility of such plans;
21 and

22 (12) design, finance, construct, operate,
23 maintain, improve and reconstruct toll roads.

24 B. After the creation of a district, the board may
25 include property within or exclude property from the boundaries

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1 of the district in the manner provided in this section.
2 Property shall not be included within the boundaries of the
3 district unless it is within the boundaries of the members of
4 the combination at the time of the inclusion. Property located
5 within the boundaries of a governmental unit that is not a
6 member of the combination as the boundaries of the governmental
7 unit exist on the date the property is included shall not be
8 included without the consent of the governing body of the
9 governmental unit. Prior to inclusion of property in or
10 exclusion of property from the boundaries of the district, the
11 board shall cause notice of the proposed inclusion or exclusion
12 to be published in a newspaper of general circulation within
13 the boundaries of the district and cause the notice to be
14 mailed to the commission. The notice shall:

15 (1) describe the property to be included in or
16 excluded from the boundaries of the district;

17 (2) specify the date, time and place at which
18 the board shall hold a public hearing on the proposed inclusion
19 or exclusion; provided that the date of the public hearing
20 contained in the notice shall be not less than twenty days
21 after publication of the notice; and

22 (3) state that persons having objections to
23 the inclusion or exclusion may appear at the public hearing to
24 object to the proposed inclusion or exclusion.

25 C. The board shall hear all objections to the

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1 proposed inclusion or exclusion at the time and place
2 designated in the notice. The board, upon the affirmative vote
3 of two-thirds of the directors, may adopt a resolution
4 including or excluding all or a portion of the property
5 described in the notice. Upon the adoption of the resolution,
6 the property shall be included within or excluded from the
7 boundaries of the district as set forth in the resolution. The
8 board may adopt the resolution without amending the district's
9 enabling contract. The board shall file the resolution with
10 the commission, ~~[who]~~ which shall cause the resolution to be
11 recorded in the real estate records of each county having
12 territory included in the boundaries of the district."

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